



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

MEMORANDUM

February 7, 2008

SUBJECT: Effects Determinations for Propyzamide Relative to the California Red-Legged Frog and Designated Critical Habitat

FROM: Thomas Steeger, Ph.D., Senior Biologist *Thomas Steeger 2/7/08*
ERB 4
Environmental Fate and Effects Division

TO: Arthur-Jean B. Williams, Associate Director
Environmental Fate and Effects Division

Attached is the assessment of potential direct and indirect effects to the California red-legged frog (CRLF) and potential adverse modification to designated critical habitat from uses of the herbicide propyzamide. While the Endangered Species Act requires we assess uses of pesticides relative to any potentially affected listed species, this assessment focuses only on the CRLF, including designated critical habitat, addressing provisions of a settlement agreement entered into by the federal government to resolve claims made by plaintiffs against EPA in a court case (CBD v. EPA¹).

The attached assessment was conducted consistent with the Agency's Overview Document². Effects determinations for this assessment are summarized below:

the Agency makes a Likely to Adversely Affect determination for the CRLF from the use of propyzamide. Additionally, the Agency has determined that there is the potential for modification of CRLF designated critical habitat from the use of the chemical (**Tables 1.1 and 1.2 of the executive summary of the assessment**). Consideration of CRLF critical habitat indicates a determination of "habitat modification" for aquatic and terrestrial habitats. **The overall CRLF effects determination for propyzamide use is "LAA."**

As required by the Alternative Consultation Agreement EPA entered into with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (Services), I have been trained by the Services to make such determinations. Additionally, this assessment was subjected to internal Agency peer review throughout its development. The review panel included two other scientists who have been trained by the Services to make such determinations (Dr. Melissa Panger and Dr. Edward Odenkirchen).

Please let me know if you have any questions regarding this assessment and effects determination for propyzamide relative to the CRLF and its designated critical habitat.

cc: Steven Bradbury
Debbie Edwards
Attachments

¹ Settlement agreement of October 20, 2006: Center for Biological Diversity v. United States Environmental Protection Agency. Civ. No: 02-1580-JSW(JL)).

² Overview of the Ecological Risk Assessment: Process in the Office of Pesticide Programs, U.S. Environmental Protection Agency: Endangered and Threatened Species Effects Determinations: January 23, 2004.